

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FRANK R. REYNOLDS, III,

Petitioner,

CRIMINAL CASE NO. 96-50001
CIVIL CASE NO. 05-40100

v.

UNITED STATES OF AMERICA,

HONORABLE PAUL V. GADOLA
U.S. DISTRICT JUDGE

Respondent.

_____ /

ORDER GRANTING MOTION FOR RECONSIDERATION

Petitioner filed a “Motion under § 2255 to Vacate” on March 25, 2005. On May 16, 2006, this Court, without requiring the Government to respond to Petitioner’s motion, entered an order granting Petitioner’s motion and entered judgment in his favor. The Government filed a motion for reconsideration of that May 16, 2006 order, which is now before the Court. In its motion the Government properly notes that, according to Rule 4 of the Rules Governing Section 2255 Proceedings for the United States District Courts, if a § 2255 motion “is not dismissed, the judge must order the United States attorney to file an answer, motion or other response within a fixed time, or to take other action the judge may order.” R. Governing § 2255 Proc. for the U. S. Dist. Cts. 4. Because the Court granted Petitioner’s motion and entered judgment in his favor without requiring the United States attorney to respond, and in the interests of justice, this Court now vacates the “Order Granting Petitioner’s 2005 Motion under 28 U.S.C. § 2255,” and the judgment as to Petitioner, each entered on May 16, 2006 [docket entries 271, 272]. The Court further orders Government to file a response to Petitioner’s “Motion under § 2255 to Vacate” [docket entry 270] within thirty (30) days. Petitioner has fourteen (14) days from the date of service of the

Government's response to file a reply.

ACCORDINGLY, IT IS HEREBY ORDERED that this Court's May 16, 2006 "Order Granting Petitioner's 2005 Motion under 28 U.S.C. § 2255" [docket entry 271] and the judgment as to Frank Ross Reynolds III [docket entry 272] are **VACATED**.

IT IS FURTHER ORDERED that the Government shall file a **RESPONSE** to Petitioner's March 25, 2005, motion to vacate under § 2255 [docket entry 270] within **THIRTY (30) DAYS** of the filing of this order.

IT IS FURTHER ORDERED that Petitioner shall have **FOURTEEN (14) DAYS** from the date of service of the Government's response, to file a **REPLY**.

SO ORDERED.

Dated: June 26, 2006

s/Paul V. Gadola
HON. PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on June 26, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Robert W. Haviland; Kenneth R. Sasse, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: _____.

s/Ruth A. Brissaud
Ruth A. Brissaud, Case Manager
(810) 341-7845